IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 30TH JULY 2007 / 8TH SRAVANA 1929

CRL.A.No. 671 of 2001()

C.C.NO.274/1999 IN THE FILE OF JUDICIAL MAGISTRATE OF THE FIRST CLASS, CHAVAKKAD

APPELLANT:

PREMAN,
S/O.RAVANAM CHITTOOR KRISHNAN,
KAVANAM CHITTOOR DESOM,
CHOWANNUR VILLAGE,
THALAPPILLY TALUK.

BY ADV. SRI.RAJIT

RESPONDENTS:

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1. V.P.SUHARA,
WIFE OF VEETILAKATH ABDUL RAHIM,
KADIKKAD DESOM,
EDAKKARA VILLAGE,
CHAVAKKAD TALUK.

*ADDL.RESPONDENT NO.2 IS IMPLEADED

STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

(*)ADDL.RESPONDENT NO.2 IS IMPLEADED AS PER ORDER IN CRL.A.671/2001
BY HON'BLE TMHP(J) DATED 29/10/2001.

BY PUBLIC PROSECUTOR, SRI C.K.SURESH

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 30/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R.UDAYABHANU, J.

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Crl.A.No.671 of 2001(C)

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Dated this the 30th day of July, 2007

J U D G M E N T

The appellant is the complainant in C.C.No.274/1999 in the file of the Judicial Magistrate of First Class Court, Chavakkad, the proceedings initiated under Section 138 of the Negotiable Instruments Act. The accused was acquitted under Section 256(1) of the Code of Criminal Procedure. It is submitted that the lapse was occasioned on account of the wrong noting of the posting date.

In the circumstances, the order of acquittal is set aside. The court below is directed to permit the appellant/complainant to further pursue the matter and dispose of the case on merits. The appellant shall appear before the court below on 30/08/2007. The court below shall issue fresh summons to the accused.

The appeal is allowed.

K.R.UDAYABHANU,
Judge

ms

K.R.UDAYABHANU, J.

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Crl.A.No.671 of 2001(C)

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J U D G M E N T

30th July, 2007